1 STEVEN W. MYHRE Acting United States Attorney 2 District of Nevada PAUL SACHELARI, CSBN 230082 3 Special Assistant United States Attorney 4 Social Security Administration 160 Spear St., Suite 800 5 San Francisco, CA 94105 Telephone: (415) 977-8933 6 Facsimile: (415) 744-0134 Email: paul.sachelari@ssa.gov 7 Attorneys for Defendant 8 9 UNITED STATES DISTRICT COURT 10 DISTRICT OF NEVADA 11 APRIL L. CAIRNEY, Case No.: 2:16-cv-02139-APG-CWH 12 Plaintiff, 13 STIPULATION FOR AWARD OF EAJA FEES VS. 14 NANCY A. BERRYHILL, Acting Commissioner of Social Security, 15 Defendant. 16 17 18

IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, and with the approval of the Court as provided below, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of six thousand dollars (\$6,000.00), and costs in the amount of four hundred dollars (\$400) under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.

Stip. EAJA; 2:16-cv-02139-APG-CWH

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Ct. 2521 (U.S. June 14, 2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and costs to be made directly to plaintiff's counsel Charles E. Binder, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to Plaintiff's counsel Charles E. Binder.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees connection with this action.

Date: April 19, 2017

Respectfully submitted,

Law Offices of Binder & Binder LLP

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By: /s/ Daniel S. Jones* DANIEL S. JONES *By email authorization

Attorney for Plaintiff

STEVEN W. MYHRE Acting United States Attorney

/s/ Paul Sachelari By: PAUL SACHELARI

Special Assistant United States Attorney

Attorneys for Defendant

IT IS SO ORDERED:

CARL W. HOFFMAN
UNITED STATES MAGISTRATE LUDGE

Dated: __April 19, 2017

CERTIFICATE OF SERVICE I, Paul Sachelari, certify that the following individual was served with the STIPULATION TO VOLUNTARY REMAND PURSUANT TO SENTENCE FOUR OF 42 U.S.C. § 405(g) AND TO ENTRY OF JUDGMENT on the date and via the method of service identified below: CM/ECF: Daniel S. Jones Binder & Binder, LLP 485 Madison Avenue, Suite 501 New York, NY 10022 Dated: April 19, 2017 /s/ Paul Sachelari PAUL SACHELARI Special Assistant United States Attorney